

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

DENNIS THOMAS,

Plaintiff,

v.

HERNANDEZ, et al.,

Defendants.

No. 2:21-CV-1638-DJC-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On July 31, 2023, the Magistrate Judge filed findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within the time specified therein. No objections to the findings and recommendations have been filed.

The Court has reviewed the file and finds the findings and recommendations to be supported by the record and the Magistrate Judge's analysis. In addition, the Court has reviewed the Magistrate Judge's April 20, 2022 Order (ECF No. 20) which the Court finds is also supported by the record and the proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed July 31, 2023, are adopted in full;

2. This action shall proceed on Plaintiff's first amended complaint as follows:

- a. Plaintiff's Eighth Amendment excessive force and First Amendment retaliation claims against Arredondo.
- b. Plaintiff's Eighth Amendment failure-to-protect claim against Hernandez.
- c. Plaintiff's Eighth Amendment deliberate indifference claim against Saltsgayer.

3. All other claims and defendants are dismissed for failure to state a claim upon which relief can be granted; and

4. This matter is referred back to the Magistrate Judge for further pre-trial proceedings.

IT IS SO ORDERED.

Dated: September 29, 2023


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE